



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 26 2016

CERTIFIED MAIL 7015 1730 0001 8044 3859
RETURN RECEIPT REQUESTED

RECRO Gainesville, LLC
ATTN: Mr. Scott Rizzo, General Manager
1300 Gould Drive
Gainesville, Georgia 30504-3947

Re: Supplemental Information Request Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, RECRO Gainesville, LLC; Gainesville, Hall County, Georgia

Dear Mr. Rizzo:

Thank you for your correspondence dated July 21, 2016, responding to the June 23, 2016, informal request by the U.S. Environmental Protection Agency Region 4, to address findings in its September 3, 2015, Industrial User Reconnaissance Inspection Report concerning compliance of the RECRO Gainesville, LLC facility (Facility), located at 1300 Gould Drive in Gainesville, Hall County, Georgia, with the requirements of Sections 301 and 307(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1317(d); the regulations promulgated thereunder at 40 C.F.R. Parts 403 and 439; the State of Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6; and Significant Industrial User Permit No. 0036 issued to the Facility by the City of Gainesville.

The purpose of this letter is to request that RECRO Gainesville, LLC, respond to the enclosed Supplemental Information Request to supplement the information you previously provided. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that RECRO Gainesville, LLC, provide the information set forth in Enclosure A within 21 calendar days of your receipt of this letter.

Your response should be submitted to:

Mr. David Phillips
U.S. Environmental Protection Agency, Region 4
Municipal and Industrial Enforcement Section
NPDES Permitting and Enforcement Branch
Water Protection Division
Atlanta Federal Center (MC 9T25)
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

All information submitted must be accompanied by the following certification signed by a duly authorized company official in accordance with 40 C.F.R. § 403.12(l):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

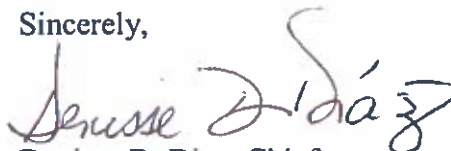
Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001. Please be aware that the EPA may use information in response to this information request in any enforcement proceeding related to this matter.

If RECRO Gainesville, LLC, believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

In addition, the Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist RECRO Gainesville, LLC, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

The EPA appreciates your prompt attention to this matter. Should you have any questions regarding this letter, please contact Mr. David Phillips at (404) 562-9773. Legal inquiries should be directed to Ms. Mita Ghosh, Associate Regional Counsel, at (404) 562-9538.

Sincerely,

A handwritten signature in dark ink, appearing to read "Denisse D. Diaz", with a stylized flourish at the end.

Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Bert Langley
Georgia Environmental Protection Division

ENCLOSURE A

SUPPLEMENTAL INFORMATION REQUEST PURSUANT TO SECTION 308 OF THE CLEAN WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the Question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the Question and subpart of the Question to which they are responsive.
5. In answering each Information Request Question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. The EPA requests that all documents provided in an electronic format be compatible with pdf.
12. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.

13. If any Question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “Identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term “Identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term “Identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “Facility” means the RECRO Gainesville, LLC facility located at 1300 Gould Drive in Gainesville, Hall County, Georgia.
8. The term “You” and “Your” shall mean RECRO Gainesville, LLC.
9. The term “Significant Industrial User Permit” or “Permit” shall mean any permit issued to the Facility by the City of Gainesville for its process wastewater discharge to the sewer.
10. “Control Authority” shall have the meaning set forth in 40 C.F.R. § 403.3(f).

Questions

1. Provide current schematics of the Facility property identifying the physical boundaries, the individual operational areas, and the process wastewater sources within each production area.
2. Provide a separate schematic identifying the current pathway(s) of process wastewaters, the current pathway(s) of non-process wastewaters, any current in-line valves/storage/appurtenances, and any current points of combining flows, beginning from the source(s) of the flow to the termination points at public sewers or other locations.
 - a. Include a flow balance on this schematic identifying the current average daily flow rates of process wastewater and non-process wastewater during production.
 - b. Identify the rate at each originating source, prior to each point of combining flows, and at each point of flow termination or storage.
 - c. Identify the originating processes for the flows, the means of disposal at the termination points, the capacity and utilization of any storage, the flow rates in gallons per day, and whether each flow rate is measured or estimated.
 - d. Identify the sampling and flow monitoring location(s) used for Permit compliance reporting.
3. Provide copy of all monitoring data collected by, or under contract to, the Facility from September 1, 2010, to present, concerning process wastewaters discharged to the City of Gainesville from the Facility. Include the following for each data point:
 - a. Parameter monitored;
 - b. Date monitored (month/day/year);
 - c. Analytical result;
 - d. Units;
 - e. Analytical method;
 - f. Sample type (grab, time-proportional composite, or flow-proportional composite)
 - g. Flow recorded at the time of monitoring;
 - h. Sampling location; and
 - i. Flow monitoring location.

For flow monitoring data, only (a), (b), (c), (d), and (i) need to be provided. Location descriptions for (h) and (i) should be identifiable on the schematic provided in item #2 above.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.